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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/711,100	08/23/2004	Paul Wayne Nagy	04920	5099

23688 7590 09/07/2006

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EXAMINER

STERLING, AMY JO

ART UNIT PAPER NUMBER

3632

DATE MAILED: 09/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/711,100

Applicant(s)

NAGY ET AL.

Examiner

Amy J. Sterling

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 August 2006.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-17 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-17 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

This is the **Final Office Action** for application number 10/711,100 Radio Bin Spacer, filed on 8/23/04. Claims 1-17 are pending. This **Final Office Action** is in response to applicant's reply dated 8/14/06. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Applicant's amendment necessitated any new ground(s) of rejection presented in this Office action.

#### ***Claim Rejections - 35 USC § 102***

Claims 1 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by United States Patent No. 5609414 to Calouri.

The patent to Calouri discloses a device having a bin having one closed end and open end and further having a top wall with a structural rib (16), a bottom wall and two side walls having a mounting tab (40) located thereon, the tab having a bore (58) therein, the rear end having a pair of spacer stanchions (15) located thereon.

#### ***Claim Rejections - 35 USC § 103***

Claims 2-7 and 11-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over United States Patent No. 5609414 to Calouri as applied to claims 1 and 10 above, and in view of United States Patent No. 6330121 to Kobayashi et al.

Calouri discloses applicant's basic inventive concept, all the elements which are shown above with the exception that it does not show the specific materials of plastic, polypropylene, thermoplastic olefins, butadiene and polycarbonate.

Kobayashi et al. teaches a mounting device for a optical device which is made of plastic, polypropylene, thermoplastic olefins, butadiene or polycarbonate (See Col.12 lines 24-29 for material), the materials used for their resilient and strength properties. Therefore it would have been obvious to one of ordinary skill in the art from the teachings of Kobayashi et al. to have made the device of these materials in order to have a resilient and strong device.

Claims 8, 9, 16 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over United States Patent No. 5609414 to Calouri as applied to claims 1 and 10 above, and in view of United States Patent Publication No. 2005/0231954 to Czech.

Calouri discloses applicant's basic inventive concept, all the elements which are shown above with the exception that it does not show the specific materials of aluminum and metal.

Czech teaches a mounting device for a optical device which is made of aluminum metal (See page 2, paragraph 0023 for material), the material used for their strength properties. Therefore it would have been obvious to one of ordinary skill in the art from the teachings of Czech to have made the device of these materials in order to have a strong device.

***Response to Arguments***

Although, it is appreciated that there appear to be significant differences in the alleged invention of the present application and the reference used in the rejection above, these differences have not been claimed and therefore cannot be addressed.

***Conclusion***

**THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action. Any inquiry concerning this communication should be directed to Amy J. Sterling at telephone number 571-272-6823. The fax machine number for the Technology center is 571-273-8300 (formal amendments) or 571-273-6823 (informal communications only). Any inquiry of a

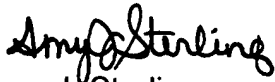
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general nature or relating to the status of this application should be directed to the

Technology Center receptionist at 571-272-3600.

A handwritten signature in black ink that reads "Amy J. Sterling". The signature is written in a cursive, flowing style.

Amy J. Sterling  
Primary Examiner  
8/30/06